

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEATTLE AUDUBON SOCIETY, et al.,

Plaintiffs,

v.

DOUG SUTHERLAND, et al.,

Defendants.

No. CV06-1608MJP

ORDER ON PARTIES' CR 37
SUBMISSION REGARDING
DEPOSITIONS OF STATE
EMPLOYEES

This matter comes before the court on the parties' CR 37 submission regarding depositions of state employees. (Dkt. No. 119.) In the submission, the State Defendants move for a protective order limiting the scope of Plaintiffs' proposed depositions of state employees as follows: (1) precluding Audubon from taking the depositions of Joseph Buchanan and John Pierce; (2) foreclosing Audubon from asking Ann Potter or Leonard Young any questions seeking the opinions of each, if any, regarding policy decision of the Forest Practices board, the State's Forest Practice Rules, and northern spotted owls or their habitat needs; and (3) precluding Audubon from posing questions to or requesting documents from Leonard Young or Joseph Buchanan related to the development of a Federal Recovery Plan for northern spotted owls.

It appears that the parties agree to the following:

- (1) Audubon will not depose John Pierce. (Submission at p. 2.)
- (2) Audubon will not ask Mr. Young or Ms. Potter questions seeking their opinions on policy decisions of the Forest Practices Board. (Submission at p. 19.)

1 (3) Audubon will not seek discovery regarding the federal recovery plan. (Submission at
2 19.)

3 As to the remaining issues, the motion for protective order is DENIED.

4 The clerk is directed to send copies of this order to all counsel of record.

5 Dated this 12th day of April, 2007.

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8 Marsha J. Pechman
9 United States District Judge
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